

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GREGORIO TREVINO, Special)	
Administrator of the Estate of GREGORIO)	
TREVINO, JR., deceased,)	
)	
Plaintiff,)	
)	Case No. 08-cv-1409
v.)	
)	Judge Dow
U-HAUL COMPANY OF ILLINOIS, INC.,)	
U-HAUL INTERNATIONAL, INC, and)	
ROGER D. GEARY,)	
)	
Defendants.)	

DEFENDANT U-HAUL CO. OF ILLINOIS, INC.'S
MOTION TO DISMISS PURSUANT TO RULE 12(b)(6)

Defendant U-Haul Co. of Illinois, Inc. ("U-Haul of Illinois"), by and through its undersigned counsel, hereby moves the Court to dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted, and states as follows in support:

Dismissal of U-Haul of Illinois is appropriate in this matter because, contrary to Plaintiff's allegation, this defendant did not own or rent the subject vehicle to William Geary, and because U-Haul of Illinois did not perform any maintenance on the subject vehicle that could possibly be a proximate cause of this accident as alleged by Plaintiff.

Plaintiff has failed to state a claim for negligence against U-Haul of Illinois under the Illinois Wrongful Death, Survival or Family Expense Acts, and his Complaint should be dismissed pursuant to Fed. R. Civ. P. 12(b)(6).

WHEREFORE, Defendant U-Haul Co. of Illinois, Inc. respectfully requests this Court grant its Motion and dismiss Plaintiff's Complaint against it with prejudice, awarding costs and fees and such other and further relief as may be just and proper.

Dated: March 17, 2008

Respectfully submitted,

U-HAUL CO. OF ILLINOIS, INC.

s/ Dmitry Shifrin
George Jackson III, #6189680
Dmitry Shifrin, #6279415
BRYAN CAVE LLP
161 N. Clark St., Suite 4300
Chicago, IL 60601
(312) 602-5000
(312) 602-5060 (fax)

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of March, 2008, a copy of the foregoing Motion to Dismiss was served via the Court's CM/ECF system to the following counsel:

Donald R. McGarrah
SALVI, SCHOSTOK & PRITCHARD P.C.
181 W. Madison St., Suite 3800
Chicago, IL 60602

s/ Dmitry Shifrin